

DIF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

.....	X
ELIZABETH PRITCHETT,	: Index No. CV 06 2353
	:
Plaintiff,	:
	: CONSENT ORDER
v.	:
	:
JAMES JOSEPH RIGNEY III,	:
	:
Defendant.	X
.....	

CONSENT ORDER

1. Plaintiff Elizabeth Pritchett (the "Plaintiff") filed this action on May 17, 2006 against James Joseph Rigney III (the "Defendant"). In her Complaint, Plaintiff alleges that the Defendant James Rigney engaged in discrimination and denied rights to Plaintiff based on her sex in the rental of a dwelling located at 274 Vanderbilt Avenue, in the City of Brooklyn, New York (the "Property"), in violation of 42 U.S.C. § 3604(a)-(c), 42 U.S.C. § 3617, and New York state law. At all times relevant to the Complaint, Defendant was the owner of the Property.
2. Plaintiff alleges that Defendant subjected Plaintiff to extensive, continuous, unwelcome, and uninvited sexual harassment, including threatening behavior and comments and sexually explicit emails, in violation of 42 U.S.C. § 3604(b)-(c). Plaintiff also alleges that Defendant's conduct resulted in the constructive eviction of Plaintiff in violation of 42 U.S.C. § 3604(a). Plaintiff further alleges that Defendant engaged in threatening, intimidating, and retaliatory behavior towards Plaintiff in violation of 42 U.S.C. § 3617. Further, Plaintiff alleges Defendant's harassment constituted extreme and outrageous conduct in violation of New York state law.

3. The Defendant denies these allegations in their entirety.

4. The parties agree that this Court has jurisdiction over the subject matter of this case pursuant to 28 U.S.C. § 1343, 28 U.S.C. § 2201, and 42 U.S.C. §3613. The Court has supplemental jurisdiction over the New York state law claims pursuant to 28 U.S.C. § 1367.

5. The parties agree that, in order to avoid costly and protracted litigation, the claims against Defendant should be resolved without further proceedings or an evidentiary hearing. Therefore, as indicated by the signatures appearing below, the parties agree to the entry of this Consent Order. This Order constitutes full resolution of Elizabeth Pritchett's claims against Defendant in this matter.

Accordingly, it is ORDERED, ADJUDGED, AND AGREED that:

I. INJUNCTION

6. Defendant, his officers, employees, agents, successors and assigns, and all other persons in active concert or participation with him are hereby permanently enjoined from physically and verbally harassing, intimidating or threatening in ways stated in the Complaint and in any other way, Elizabeth Pritchett.

II. COMPENSATION OF AGGRIEVED PERSON

7. Upon the entry of this Order, Plaintiff shall send to Defendant an executed Release of all claims, legal or equitable, that Plaintiff might have against Defendant relating to the claims asserted in this lawsuit (Appendix A). Within twenty-one (21) days of the receipt of the Release, Defendant shall pay to Plaintiff \$17,500 in monetary damages. Defendant shall pay said money by sending to Aaron S. Delaney, Esq. a check for \$17,500 payable to Elizabeth Pritchett.

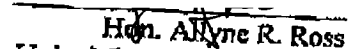
III. DISMISSAL AND ENFORCEMENT

8. Upon entry of this Consent Order, this case shall be dismissed. The United States District Court for the Eastern District of New York (the "Court") shall retain jurisdiction for a period of three (3) years for the purpose of enforcement or interpretation of the provisions of this Order upon the filing of an appropriate motion by either party.

IV. COSTS OF LITIGATION


9. Each party to the Order shall bear its own costs and attorney's fees associated with this litigation.

SO ORDERED, this 29 day of August, 2006


Hon. Allyn R. Ross
United States District Court

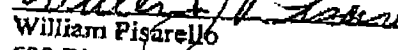
The undersigned apply for and consent to the entry of this Order:

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP


Aaron S. Delaney (AD9038)
Douglas M. Burns (DB0337)
1285 Avenue of the Americas
New York, New York 10019-6064
(212) 373-3000

Attorneys for Plaintiff Elizabeth Pritchett

REBORE, THORPE & PISARELLO


William Pisarello
500 Bi County Blvd., Ste. 214N
Farmingdale, NY 11735-3996

Attorney for Defendant James Joseph Rigney III

APPENDIX A
RELEASE OF CLAIMS

In consideration of the parties' agreement to the terms of the Consent Order entered in *Elizabeth Pritchett v. James Joseph Rigney III*, CV 06 2353 (E.D.N.Y.), and Defendant's payment of the sum of Seventeen Thousand Five Hundred dollars (\$17,500), I, Elizabeth Pritchett, hereby release the defendant named in this action, James Rigney, from any and all liability for any claims, legal or equitable, I may have against him arising out of the issues alleged in this action. I fully acknowledge and agree that this release of Defendant shall be binding on my heirs, representatives, executors, successors, administrators, and assigns. I hereby acknowledge that I have read and understand this release and have executed it voluntarily and with full knowledge of its legal consequences.

Elizabeth Pritchett

[Address]

Date